

29
The Answer of the

COMMONS

Assembled in

PARLIAMENT

TO

The Scots Commissioners Papers of the Twentieth, and
their LETTER of the Twentie fourth
of October last,

28. Novemb. 1646.

Ordered by the Commons assembled in Parliament,
that *The Answer to the Scots Papers* bee forthwith
Printed and published,

H. Elsynge, Cler. Parl. D. Com.



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THat there might be a firme and lasting brotherly Union between the two Kingdoms, is the earnest desire of our hearts; and that our proceedings may be according to our Covenant, and the Treaties between us; and that our endeavours have been accordingly, our own Consciences, our Brethren of Scotland, and all that know our wayes can bear us witnesse.

That we may still walk in the same path, prevent all mis-apprehensions, and bring a right understanding amongst us; the Commons assembled in the Parliament of England, do return this ensuing Answer to your Lordships two Papers of the Twentieth, and to your Letter of the Twenty fourth of October last; wherein our end being to give satisfaction to the Arguments in your Papers; we shall therefore Answer the severall particulars in the method wee finde them, onely to make our whole intentions the more easily known (the method you have taken in your Papers not allowing us a clear connexion of the matters therein contained, and inforcing us to repeat the same thing oftner then We desire) We shall first premise and lay down these following considerations:

I. **F**irst, That your Papers being grounded upon the resolutions of both Houses, and on the Conference thereupon had, We shall set downe the true state of Fact concerning them, which was thus ; Upon the twenty fourth of September, 1646. the Houses passed these Resolutions, (*viz.*) 1. That the Person of the King shall be disposed of as both the Houses of the Parliament of England shall think fit. 2. That the Houses do Declare, That whatsoever Conference, Consultation or Debate shall be with the Commissioners of Scotland concerning the disposall of the Person of the King, it shall not bee understood to be any Capitulation in relation to the retarding of the march of the Scots Armies and Forces out of the Kingdome, or of any Treatie between the Kingdoms concerning the same. Upon the same 24. of September, A Committee is appointed to meet with a proportionable number of the Lords in the Painted-Chamber, to Conferre, Consult and Debate with the Commissioners of Scotland concerning the disposall of the Person of the King, if it shall be desired by the Scots-Commissioners, and this to be communicated to the Scots Commissioners by the Members of both Houses of the Committee of both Kingdoms. These Resolutions ordered to be communicated to the Commissioners of Scotland, were accordingly delivered to them by the Members of both Houses, that are of the Committee of both Kingdoms, the 25 of the same Moneth.

Upon the 29 day of September, your Lordships by
your

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your Paper desired a Conference in these words, Wee have perused the Votes of both Houses, communicated to us by your Lordships, and as we did formerly desire, in our Paper of the eleventh of August last, so wee shall be ready on Thursday next to Conferr, Debate and Consult with such as the Honourable Houses have thought fit to appoint; and if their Committee cannot with conveniency meet at that time, We desire it may be so soon as possible they can.

By Command of the Commissioners for the
Parliament of Scotland, JO: CHISLY.

Which was thus granted, (*viz.*) 1. Octob. Ordered, That the Committee formerly appointed to meet with the Commissioners of Scotland, do meet this afternoon at three of the Clock with the said Commissioners, to Conferr, Debate and Consult with them, concerning the disposall of the person of the King, according to the former Votes and Declarations of both Houses.

Upon the first day of October, before the Conference did begin, all these Papers were read, and your Lordships were told by our Committees, If you were pleased to say any thing *Herein*, they were ready to conferr with you according to those Resolutions, so as this Conference was by your consent to be with these two Limitations; (*viz.*)

1. That it should bee about the Disposing of the Kings person, as both Houses of the Parliament of England shall think fit.

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2. That it shall not be understood to be any Capitulation in relation to the retarding of the march of the Scots Armies and Forces out of the Kingdom, or of any Treaty between the Kingdoms concerning the same.

And all things in your Speeches and Papers concerning change of Fundamentall or Monarchiall Government, or Uniformity in Church-Government, Toleration of all Sects and sorts of Religions, concerning the Kings voluntary disposing of Himself, (it being granted by you, that His Person is to be Disposed by your joynt consent) or concerning the manner of Disposing of Him, and all other things of like nature, saying only about the right of this Kingdom to dispose of the Person of the King in *England*, without the joynt advice and consent of the Kingdome of *Scotland*, being Forraign to the matter of these Resolutions, were improper at this Conference; for our Committee having their limits, could not expect to hear any such, or were to intermeddle to give an Answer to them.

II. That the matter of the Conference being stated by the Houses, and your Lordships often put in minde in answer to Your Claim for the Kingdome of *Scotland* right of joynt-Interest in Disposing the Person of the King, That the sole matter thereof was concerning the two Houses of Parliament of *England*, having the right to Dispose the Person of the King in the Kingdom of *England*, without the joynt-advice and consent of the Kingdome of *Scotland*: Your Lordships did make Your

Objections

Objections, to which our Committees Answered ; Your Lordships replied, and Our Committees answered those Replies : Yet in Your Paper You state the Question as if to be debated on Your Resolutions, and place Our Committee to make Objections , and Your Lordships make the Answer of Our Committees to your first Objections, and their Answer to Your Replies, as one entire Objection ; Your Lordships well know , an Answer to a Replie may be full as to the Replie, yet not applicable to everie part of the first Objection.

III. That Your Lordships ingaged Our Committees at the Conference to make no Report of any thing had passed at the same, till you had delivered Your own Answer in writing ; and before any Report made by Our Committee, or any Paper put into the Houses by You, some of Your Lordships did give directions for the Printing Three Thousand Copies of the Lord Chancellors Speeches at that Conference, which (by the Printers Confessions) had been published on Thursday the 15 of October last, had they not been sent for by an Order of the House of Commons, Wednesday the 14 of the same Moneth, after which time, and not before, they received Order from You not to publish them till further directions ; which Speeches are since published, and said to be Printed at *Edenburgh*.

That you Printed those *Papers* which You afterward gave in to the Houses as Your Answer to those Votes (which were the subject of the Conference) sooner then

it was possible for the Houses to give an Answer to Papers of that length, as if the *PREPOSSESSING* of the People were more considered by you, then the satisfaction of the Houses : and if your Lordships had thought fit to have stayed for our Answer, We conceive you would not have published those Papers, which is an action contrary to the practice of all publike Ministers, who ought not to publish to the people the Transactions between them and that State to which they are imployed, which we are enforced to represent to your Lordships, and to publish this Answer, it having been so often done by your directions in this Kingdome ; and in this present businesse done after such a manner, neither we, nor any imployed by us, having ever done any such thing in the Kingdome of *Scotland*.

IV. That the Interest of *Scotland* in the King, and the exercise thereof in the Kingdome of *England*, being of severall and distinct natures, are not to be confounded as one and the same thing ; for if you grant that you have no right of exercise of interest in Disposing the Person of the King (He being in *England*) we shall not Dispute your having Interest in Him.

V. That the Question then was, *Who* shall Dispose of the Person of the King in *England*, and not after what manner His Person shall be Disposed : and it is to be considered in what condition the King now is, That he hath deserted his Parliament and people, entred into and continued in a bloodie and dangerous War against them,
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Hath not granted those Propositions that by both Kingdoms were sent unto Him, as the means of a safe and well-grounded peace; and therefore is not for the present in a condition to exercise the Duties of His place, or be left to go or reside where and when he pleaseth: And your Lordships did at the Conference Declare, That it was prejudicial to both Kingdoms for the King to go into Scotland.

V I. That your Lordships cannot in reason insist, because in our disposing the Person of the King, we may hereby prejudice the Kingdom of Scotland (the which was never yet done by us) on such a possibilitie to claim a joynt Right in disposing the person of the King in this Kingdom, which from the first coming hither of King James, now Fourtie four years, was never before claimed, when as the two Kingdomes had not then that Securitie from each other against all Imaginarie prejudices which might happen through the abuses of their particular Rights, as now they have, being engaged by Covenant in their severall Vocations, mutually to preserve the Rights and Priviledges of the Parliaments, the Liberties of the Kingdoms, and the Kings person and authority, in the preservation and defence of the true Religion, and Liberties of the Kingdoms, as by the third Article of the Covenant doth clearly appear.

What would your Lordships think if we should claim joynt right of Interest in your Townes, your Forces or Money in Scotland, upon that supposition that possibly

you may use them to the prejudice of this Kingdom: Let not the results of your Arguments for Union, or for the King be, That the Kingdom of Scotland may exercise their Interest in the kingdom of England; Nor let your expressions obliquely infer, That the Parliament of England will not do what becometh them to the King, since all the world doth know that this Kingdom hath in all times shewed as great affections to their Kings, as any other Nation.

VII. Because your Lordships most insist upon the Covenant and Treaty in this case, and also throughout all your Answers to those you call Objections, We shall out of many insert some of the expressions in your Papers, concerning the Covenant and Treaty.

(Pag. 5. and 6. of your Papers.) And unlesse We lay aside the Covenant, Treaties, Declaration of both Kingdoms, and Three years conjunction in this War, neither the one Kingdom nor the other must now look back what they might have done singly before such a strict Union; But look forwards what is fittest to be done by both Joynly for the common good of both; and for the ends of the Covenant, which both are obliged Joynly to prosecute and promote.

And as Reasons may be drawn from the nature of all Associations, so especially from the nature of ours in the Solemn League and Covenant; the Title, Narrative, Articles and Conclusion of it do along link together the Interest of the Kingdoms in this common Cause so much

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concerning the Glory of God, their own Safety, Union and Peace, and the Honor and Happines of the King and His Posterity; which ends of the Covenant, both Parliaments as well as other Subjects of both Kingdoms have obliged themselves Joyntly and Mutually to promote.

-Pag. 6. So that the ends of the Covenant, upon which the Disposal of the King must needs have a strong influence, are not to be prosecuted by the Two Kingdoms, as by two distinct Bodies acting singly, but they were united by Solemn Covenant made to Almighty God, & by League each to other as one intire Body to prosecute this Cause.

-Pag. 9. of your Papers. Wherefore we cannot chule but obtein, by the Conjunction and Parity of Interests, by the Treaty between the Kingdoms, by the Solemn League and Covenant, that there may be a Conjunction of the Councils and Resolutions of both Kingdoms, in disposing of that Royal Person, who is King of both.

-Pag. 13. That the prosecution of this War should be with the Joynt advice and consent of both Kingdoms; and according to these grounds a Covenant was agreed upon, for the Reformation of Religion, and preservation of the Liberties of the Kingdoms, and of the Kings Person and Authority.

-Pag. 7. From the Treaty the same thing doth further appear, it being thereby manifest, That our Army was to be leavyed for the Common good of both Kingdoms, in pursuance of the ends expressed in the Covenant.

Again, Pag 7. So that if the Disposal of the Kings Person, mentioned in the Vote of both Houses, be intended for the good, Peace and Security of both Kingdoms; then it should not be done without the mutual Advice and Consent of both. Thus far out of your Papers.

HAVING thus laid down, That you claim that nothing contained in the matter of the Covenant, or to be done in pursuance of the ends thereof, or that hath a strong influence thereupon, can be done by the Kingdom of England in England, without the Joynt Advice and Consent of the Kingdom of Scotland; We shall in the next place lay down the most material things contained in the Covenant which are, The Reformation of Religion in England and Ireland; The Exirpation of Poperie, Prelacie, Superstition, Heresie, Schism and Prophanenesse; The preservation of the Rights and Priviledges of the Parliaments, and Liberties of the Kingdoms; And to preserve and defend the Kings Majesties Person and Authoritie in the preservation and defence of the true Religion and Liberties of the Kingdoms.

Whence necessarily follows, That the Militia by Sea and Land in the Kingdoms of England and Ireland, The power of making Peace and War with Forraign States, the Kings consent in the making any Laws, The power of the Houses of the Parliaments of England and Ireland in cases of Judicature upon Delinquents, and Monopolies, Impositions and other Grievances upon the people.

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people of this Kingdom; The conferring the great Places
of Honor and Trust, making of Peers of Parliament,
conferring other Titles of Honor, what Revenue the
King is to have in England and Ireland, and how to be
Dispoled, and whatsoever else is to be done by the King
and Kingdom, or by either of them in relation each to
other, cannot at any time be acted without the Joynt
Advice and Consent of the Kingdom of Scotland: For
the Covenant expresseth in the third Article, to preserve
and defend the Kings Majesties Person and Authority,
in the preservation and defence of the true Religion and
Liberties of the Kingdoms, and from the Reformation of
Religion in England and Ireland, the extirpation of Po-
pery, Prelacy, Superstition, Heresie, Schism and Prophe-
nencie, the Preservation of the Rights and Priviledges
of Parliaments, and Liberties of the Kingdoms. It also
followeth, That the Kingdoms of England and Ireland,
as well in things that have no relation to the Kings as in
those which have, can exercise no Powers or Jurisdi-
ctions without the Advice or Consent of the Kingdom
of Scotland, the matters of Religion, priviledges of Par-
liaments, and Liberties of the Kingdoms, comprehending
whatsoever is to be acted in the Government of the
Kingdoms of England and Ireland, on this foundation
laid in your Papers, The Kingdom of Scotland may
when they see time, claim a Right of joynt Interest with
the Kingdom of England in all the things before men-
tioned, And except against, and question the validity

of the Ordinances for taking away of the Court of Wards, Settling the Militia of the Kingdoms of England and Ireland, For sale of Bishops Lands, and all other Proceedings in Parliament since the Covenant and Treaty, whereto the Consent of the Kingdom of Scotland hath not been had.

And your Lordships by obtesting in these words, That there may be a Convention of the Councils and Resolutions of both Kingdoms, in disposing of that Royal Person who is King of both: And that all lawfull and possible meanes, of which this is one, and a chief one, may be used, which may perserve His Majesties Person, Honor and Happinesse: And from your Proposition, That the King may come hither in Safety, Freedom and Honor, you do now claim from the Covenant and Treaty a Negative voyce, and right of Joynt consent with this Kingdom in all things in relation between the King and the Kingdoms of England and Ireland, which are all comprehended under the words of Safety, Freedom, Honor and Happinesse.

We shall now appeal to the Consciences of our Brethren of Scotland, and of all those who have taken or read this Covenant or Treaty, if any such Construction can be made out of them or any of them; or whether it would have ever entred into the thoughts of the Free People of this Kingdom, to have made such a Covenant or Treaty which might any way bear such an Interpretation so destructive to their Freedoms, as to introduce
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another Nation to be one of the Estates of this Kingdom, and to have a Negative voyce in all things concerning their welfare, whereby we should at once give up what we have for so many ages derived from our Ancestors, and what we have endeavored to preserve with so great an expence of blood and Treasure; and so much the rather, in respect this present Parliament hath not; nor doth claim any thing of this nature within the Kingdom of Scotland, nor put any such construction upon the Covenant or Treaties, in relation to the Kingdom of Scotland. And how far this is not only from the intent, but from the very words of the Covenant, We shall presently make more fully appear.

We by the Covenant in the first Article which concerns Religion, are to endeavor in our severall Places and Callings.

In the Second, which concerns the Extirpation of Popery, Prelacy, Superstition, Heresie, Schism and Profanenesse, to endeavor in like manner.

In the Third, which concerns the Rights and Priviledges of Parliaments, the Liberties of the Kingdoms, and the preservation and defence of the Kings Person and Authority in the preservation and defence of the true Religion and Liberties of the kingdoms, to endeavor in our severall Vocations.

The Fourth, which concerns Incendiaries, they are to be brought to publique tryal, and receive condign punishment from the Supreme Judicatories as both
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Kingdoms respectively.

In the Fifth, concerning the continuing of the Peace and Union of the Kingdom of England and Scotland; We shall each one of us endeavor according to our Places and Interest.

In the Sixth and Last, concerning the assistance and defence of all those that enter into this Covenant, To endeavor according to our Places and Callings, to perform whatsoever we are obliged to by the Covenant.

It seems strange to us, That England and Scotland being severall distinct Kingdoms, and by the Covenant each one being to act in his severall Place, Vocation, Calling and Interest, that the Kingdom of Scotland should from this Covenant entitle themselves to the right of exercising any Joynt Power in the Kingdom of England, the expresse words of the Covenant being directly contrary to the exercise of any Joynt power, which was severall and distinct before the making this Covenant, and the joynt exercise of such power would break the Covenant; because we are thereby obliged in our severall Vocations, mutually to preserve the Rights and Priviledges of the Parliaments, and the Liberties of the Kingdoms; and the exercise of such a Joynt Power, which doth give a Negative voice to another Nation, in the proceedings in the Kingdoms of England and Ireland, would be a manifest breach of those Priviledges and Liberties: And whereas throughout your whole Papers, this Joynt Interest is so much inforced from the Covenant, neither
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that word [Joynly] nor any other expression which will bear that Interpretation; is so much as mentioned in the Covenant; and the words, [Each one in his severall Vocation, Calling, Place and Interest] which runs through the whole Covenant, and would have cleared the meaning of it, are wholly left out by you, and in all your recitals of the Covenant, or Arguments drawn from thence, there are no words to that effect.

Your other Arguments drawn from the Treaty, That the Scots Army was brought in this Kingdom to pursue the ends exprest in the Covenant; whence you infer, That whatsoever is to be done by that Treaty, must be by the consent of the Kingdom of Scotland (because according to the ends of the Covenant) have been before fully answered in our shewing how far such Joynt Consent is both from the expresse words and meaning of the Covenant. And whereas you would enforce the meaning of the Covenant to be, That nothing can be done in pursuance thereof, but by your Joynt consent, because from the third Article in the Treaty, your Army is to be directed by the joynt Advice of both Kingdoms, or their Committees; and from the Eight Article, That no Cessation or Peace be made by either Kingdom, without consent of both; and from the Ninth Article, That all matters of difference between the Subjects of the two Nations are to be determined by joynt consent of both Kingdoms or their Committees: If no, Things to be done in pursuance of the Covenant could be done with-

out your joynt consent, the particulars and expresse provision, that these Three things should be done by joynt consent had been altogether needlesse.

Your Arguments from the Treaty against the power of this Kingdoms acting in the things mentioned in your Papers without the consent of the Kingdom of Scotland, are particularly answered in the Places where you alleadge them.

And your Lordships may well remember, That your first denying of the Power of the Kingdom of England to act without your joynt consent, was not first set on foot concerning the disposing of the Person of the King in England; And therefore by reason of some Papers and Speeches of yours concerning the Propositions for Reformation of Religion, and the Militia of the Kingdoms of England and Ireland, And concerning some of your Nation having Offices and Places within this Kingdom; Both Houses of Parliament for the Vindicating of the Right of the Kingdom of England from the construction then and now put upon the Covenant and Treaty, did upon the 29. of June, 1646. Declare as followeth:

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Die Luna 29. Junii. 1646.

WHereas the Lords & Commons assembled in the Parliament of England, in the name and on the behalf of the Kingdomes of England and Ireland, And the Commissioners of the Parliament of Scotland, in the Name and on the behalf of the kingdom of Scotland, Have thought fit to send to the king the humble Desires and Propositions for a safe and well grounded peace, agreed upon by the Parliaments of both kingdoms respectively, The Lords and Commons of the Parliament of England do declare, That it is not their intention that any construction should be made thereupon, as if either kingdome had any interest in the matter of each others Propositions, or in the legislative power of each other concerning any of the said Propositions, but that it remaineth distinct in each kingdom respectively: And that notwithstanding any joynt proceedings upon the said Propositions either kingdome hath power of themselves to continue, repeal, or alter any Law that shall be made upon the said Propositions, for the good and government of either *kingdome* respectively: And it is hereby declared, That both Houses are fully resolved to maintain and preserve inviolably the Solemn League and Covenant and the Treaties betwixt the *kingdoms* of England and Scotland.

THIS Declaration being sent to your Lordships, and we receiving no Answer, conceived you rested satisfied therewith: And we desire you further to remember, That whereas in the year 1641. divers things concerning the Kingdom of Scotland were debated in England, your Lordships did then (for the saving the Rights of Scotland, that we might not claim any Ioynt Right in things concerning that Kingdom) declare that neither by your Treaty with the English, nor by seeking your peace to be established in Parliament, nor any other Action of yours you do acknowledge any dependency upon them, or make them Judges to you or your Laws, or any thing that may import the smallest prejudice to your liberties; but that you came in a free and brotherly way by your informations, to remove all doubts that might arise concerning the proceedings of your Parliament, and to joyn your endeavors in what might conduce for the peace and good of both Kingdoms, no otherwise then if by occasion of the Kings residence in Scotland, Commissioners in the like exigence should be sent thither from England.

And as we did rest satisfied with those desires of yours, And this present Parliament never did, nor yet do Claim any exercise of the powers within the Kingdom of Scotland, which you desire within this Kingdom, we cannot but in Justice expect the like equity from that Kingdom.

VIII. That by your arguments for a right of joynt disposing

posing of the Person of King in England (which must relate as wel to the persons that are to be about him, as the place where he is to reside) You seem to Claim to have an equall number, or such a number as you shal think fit of the Scots Nation to be of the Kings Councel, and of his Bed-chamber, and other officers about his person and his successors in the Kingdom of England, as a Right of the Kingdom of Scotland.

IX. And concerning your desires for the speedy payment of 200000 l. mentioned in your papers of the 24 of October, The Parliament of England is not engaged to pay you 200000 l. at one time, but only that the first 100000 l. therefore be payd unto you upon the marching of your Army and Forces out of this Kingdom at such time and place as shall be hereafter expressed.

That the second 100000 l. shall be paid by 50000 l. and 50000 l. the first 50000 l. at the end of three moneths after the payment of 100000 l. and the second 50000 l. at the end of nine moneths after the said first payment; yet to manifest our willingnesse and readinesse to comply with our Brethren of Scotland, We have for above six weeks last past spent a great part of our time to borrow 200000 l. which if we cannot speedily obtain, We assure our selves, our Brethren of Scotland wil rest satisfied with so much of the 200000 l. as we are able to pay for the present. But we most earnestly desire, That whilst some parts of your Papers presse us for the monie, the bodie of those Papers, and your Speeches at Conferences

may not obstruct the Loan; The people lend their monie on belief that there will be no breach amongst us, That the Northern Counties, so considerable a part of this Kingdom, may not be destroyed, That the Kingdome will be eased of the burden of your Armie, That we might be the better enabled to send relief to Ireland: Now if the people Collect out of your Speeches and Papers, That you who are the Commissioners for the Kingdom of Scotland have doubt of a breach amongst us, and of a second war, you do your selves give occasion of obstructing the means of obtaining monie for which you so much presse.

And thus having premised these necessary considerations, We come to the particulars in your large Paper.

We do affirm, That the kingdom of Scotland hath no right of Joynt exercise of interest in disposing the person of the King in the kingdom of England; For England clearly being a free Kingdom, no other Kingdom hath right of exercise of interest in it, but by Contract; And by how much any Kingdom hath otherwise right of Exercise of interest in it, by so much it is not free; Your Lordships wil grant the disposing of the person of the King is an exercise of interest, And you did grant at the Conference (though it be now left out in your Papers) That the kingdom of Scotland had no right of exercise of interest in England, but by the Covenant and Treaties, which Covenant and Treaties give no joynt power to the kingdom of Scotland concerning the disposing of the person

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of the King within the Kingdom of England, but doth oblige both Nations to preserve and not confound the Rights and Liberties of each, as by the third Article of the Covenant will plainly appear, and the last Treaty is for your coming into England to assist us, that we might enjoy our Particular Rights and Liberties.

The words of the this Article of the Covenant are, Wee shall with the same sincerity, reality, and constancy in our severall vocations endeavor with our estates and lives mutually to preserve the rights and priviledges of the Parliaments, and the Liberties of the Kingdoms; And to preserve and defend the Kings Majesties person and authority, in the preservation and defence of the true Religion and Liberties of the Kingdoms; That the world may bear witnesse with our consciences of our Loyalty, and that we have no thoughts or intentions to diminish his Majesties just power and greatnesse.

From whence it is most evident, that the Rights and Priviledges of the Parliaments, and Liberties of the Kingdoms, are in the first place to be preserved; And this every one is to doe in his severall Vocation, and not to intermeddle within each others precincts, but when and so far forth as they are Duely called thereunto, nor with each others proper rights & interests, which we are bound to preserve, and to preserve *distinct*, else we break our Covenant; & we are to preserve the King in his person & authority relatively (*viz*) In the preservation and defence of the true Religion and Liberties of the Kingdoms,

doms; And we do not desire to take away your right of interest in the person of the King, but we say, You have no Exercise of that right *the king being in England*; And we are so far from Clayming any right for the Kingdom of England in this case, which in the like we would not give to our brethren of Scotland, as we do freely and willingly declare, That if the King were *Duly* in Scotland, we should not Claim any joynt interest in disposing of his person There.

And if your Arguments for strict mutuality were to the question, you might with much more reason have offered that the King should be six moneths with us without your consent, your Army having disposed of him six moneths without our consent, and after that time then to have inferred a joynt Consent, Your Lordships will not think but that both Houses of the Parliament of England may as well be trusted with the Disposing of the person of the King in England as the Scots Army.

Your discourse, That the person of the King is not to be restrained from his voluntary coming to either Kingdome, when the necessary affaires of the Kingdoms do require it, is not to the question, and not applicable to the condition in which the King now is, as is fully declared in the fifth consideration.

Your instance, That two being associated of Lands, Stock, or the like (for those of Patent, Master and Servant have no relation to the present debate) one may not dispose of them without the consent of both; and thence infer, Much lesse may we being associated dispose of the person of the King without your joynt consent; These are not to the case in question; but doe trouble the right understanding of it, for we are associated in *some common ends* for the good of both, but not associated in that which is our *several distinct and particular rights*, which is the only matter before us: And the disposing of the person of the King in the Kingdom of England, according to the case in question, is the particular right of the two Houses of Parliament: The Kingdom of Scotland hath no more right of joynt exercise of interest of disposing the person of the King in the Kingdom of England, then they have right of joynt exercise of interest in our Inheritance, Lands, Stocks, or the like, which your selves bring as examples to this case.

From Our Declaration of the fifth of August, 1643. sent to the Lords States Generall of the United Provinces as recited by you, (*viz.*) They were United by solemn Covenant made to Almighty God, and by League each to other, as one intire body to prosecute this cause; you cannot infer your joynt right of disposing the person of the King in England; for that Declaration was in answer to an Embassie from the Lords States Generall, desiring to be admitted as Mediators for a year, which by the eighth Article of the Treaty we were

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not to make without the joynt consent of the Kingdom of Scotland; and the words are not, That we are made one entire body in all our rights and liberties, but to prevent any such construction as you put upon them, the words are, As one entire body to prosecute this Cause; so as the being one entire body is, As to prosecute the Common Cause, which they may well do in their severall vocations and callings, without confounding the severall interests of the Kingdoms. And not to be one entire body in our particular rights & liberties, which is the only thing in question; And as to that you call a notable instance in that Declaration, viz. *That by the Covenant both Houses of Parliament, and many thousands of other His Majesties subjes of England and Ireland stand bound as well as we to hinder the setting up of the Church government by Bishops in the Kingdom of Scotland, And that we as well as they stand bound to endeavour the extirpation thereof in England and Ireland,* We desire it may be observed, That that expression in the Declaration is according to the tenor of the Covenant, which obligeth us to act in our severall Vocations without confounding the particular interests of the Kingdoms; And no words in that Declaration infer any other sense. And your inferences from the Covenant are directly against the Covenant, as doth before appear.

The eighth Article of the Treaty is, That no cessation nor any pacification or agreement for peace whatsoever shall be made by either Kingdom without the mutuall advice and consent of both Kingdoms or their Committees in that behalfe appointed, who are to have full power for the same in case the Houses of the Parliament of England, or the Parliament or Convention of Estates in Scotland shall not sit.

Your Lordships inference from this Article, That because we cannot make peace without joynt consent, We cannot therefore dispose of the person of King in the Kingdom of England without your consent, is thus clearly answered, The not making any cessation, pacification or agreement for peace without you, and our disposing the person of the King without you, do consist well together; and it cannot from hence be inferred, That therefore the place where the King shall reside, untill this peace were made, he being in England, ought not to be at the appointment of the Parliament of England.

We know your Lordships can and will witness with us, that since our Covenant and Treaty we have not received any Dignities or Offices from the King, nor suffered any Forraign Agents to interpose in this Cause, or any Messengers to passe between the King and Queen, or sent any Committees to the King without your consent, or done any thing with him that may admit colour of our making peace without your joynt consent; but if disposing the person of the King in England without joynt consent be a making of peace, and a breach of the Treaty, then it unanswerably follows, That your

Army hath made peace with the King, and broken the Treaty, for they have disposed of him without our consent, and since our Votes to the contrary.

If your Lordships had been pleased to have set down in your Paper the ninth Article, you would never have drawn any argument from thence, for your joynt right in disposing the person of the King in England; the words are, That the publique Faith of the Kingdom of Scotland shall be given to their brethren of England, That neither their Entrance into, nor their Continuance in the Kingdome of England, shall be made use of to any other ends then are therein expressed in the Covenant, and in the Articles of this Treaty; And that all matters of difference that shall happen to arise between the Subjects of the two Nations, shall be resolved and determined by the Mutuall advice and consent of both Kingdoms, or by such Committees as for this purpose shall be by them appointed, with the same power as in the precedent Article.

Now from the very words of the eighth and ninth Articles, the differences to be resolved and determined, are between the SUBJECTS of the two Nations: And in case the two Houses of the Parliament of England, or the Parliament, or Convention of Estates in Scotland do not sit, are to be resolved and determined by their Committees, who (as your Lordships construe the Article) would have Power finally to resolve and determine the Rights of both Kingdoms in the greatest Cases, and even without Instructions, the Cases being so various, as the Parliament could not possible foresee all that might happen, to give Instructions in them; And therefore the Article, to avoid any such contruction, doth purposely provide, That the Resolving and Determining of the Differences in this Article, are only to be the Differences between SUBJECT and SUBJECT; We shall not think that our Brethren united with us in Covenant and Treaty, coming into the Kingdom to our assistance, will insist to claim right of joynt Interest to dispose of the Person of the King, he being in this Kingdom, and alleage the ninth Article of the Treaty for it, which from the beginning to the ending provides against it: Your Lordships may with as much reason argue, that when you have possession of our Towns, or other Rights, if you do differ with us about them, You may, because you differ, claim joynt interest in them, for that all differences are to be resolved by the joynt advice and consent of both, and alleage the ninth Article of the Treaty for it. And now we hope your Lordships will rest satisfied, That We claim nothing against the Covenant, Treaty, or our Declaration of the fifth of August, 1645. sent to the Lords States Generall of the united Provinces, but in pursuance of them.

And as to your Lordships argument, that you may expect a Conjunction of Councils, in disposing the Person of the King, because the Houses did thinke fit,

fit, that in the managing of this War, there should be a conjunction of the Councils of both kingdoms, in reference to the English, as well as unto the Scottish forces. Your Lordships well know, the Houses, joyning your Lordships in their Councils in managing their English Forces, was the single voluntary Act of the two Houses, and not the joynt Act of both Kingdomes, and was determinable at the pleasure of the two Houses, and practised accordingly; and whensoever the Houses pleased, they did dispose their Councils and Forces without your consent; and therefore a Joynt Interest of both Kingdoms cannot be argued out of it. Doe you thinke if you had claimed it as a joynt right of Interest of the Kingdom of Scotland, that we should ever have joyned you in our Councils, or governing our English Forces? It is most true, We did invite your coming to our assistance, on Principles of Common Interest; We did let you know, the one Kingdome cannot enjoy a firme Peace, whilst the other is in War; We did put you in mind of the affection and duty which becommeth Brethren; We still persist on the same grounds, And We most earnestly desire you, to hold the Principles of Common Interest so understood; and then we shall heare of no further claime to the peculiar right of the Kingdom of England, as certainly we shall make none to the peculiar rights of the Kingdome of Scotland.

Your Lordships speak of espousing our Quarrels, and at the Conference; and in your Papers so often mention your forsaking your own peace for us (not to look back on former times.) We desire you to remember, that the first part of this War was made against the Kingdom of Scotland by the King, and not by the Kingdom of England, that the two Houses of Parliament did assit to procure your peace, and as an unparalleld testimonie of their Brotherly affection, did give you three hundred thousand pounds.

And although it were not so often remembred by your Lordships in your Papers, yet We should not forget the Love of our Brethren in comming to our assistance, and shall return any measure of conjunction of Interest, that We have had (not got) from you, but hazard our own Peace for Yours, and requite every kindnesse you have done, or desired to do for us: And this your desire, that the same measure of conjunction of Interest be given to you, which was got from you, may satisfie you; that the measure of conjunction of Interest, is upon Common Principles, and not in the exercise of each others particular Rights, for We have neither had, nor do desire any particular Right in the Kingdom of Scotland, and therefore you by your own argument ought not to desire any particular right in the Kingdom of England; And do therefore obteit, By the Common good of both Kingdoms, By the love of Brethren, By the Treaty between the Kingdoms, By the Solemn League and Covenant, By the Law of Nations, By benefits formerly received,

and acknowledged, and By that universall Law of a Christian Life (viz.) to do as you would be done unto : (which We desire you seriously to weigh) By all these, and By whatsoever else may be obliging, We desire you not to claim to dispose of our particular and peculiar rights, Not to render us suspected with the people towards the Person of the King, Not to do that which may strengthen the hands of any Malignant Faction amongst Us, Not to publish such things as may sow the seeds of a di-union, which will be equally destructive to both Kingdoms, Not to think it our duty alone to keep the Covenant, And not to forget the Honour, Freedom, and safety of both the Kingdoms.

Your Lordships say, you acknowledge you are to presume the best concerning our intentions, but are not therefore to part with any Interest or security, because We are honest and faithfull: We conceive it unreasonable you should, and we never desired it; But if you be not to part with any of your Right, are your Brethren of England to part with any of theirs? Should you claim that from them, which your selves say they ought not to claim from you? If you are to presume the best, what ground have you to suspect the worst, and make suppositions, that We will abuse our Rights? Indeed my Lords, your expressions in your Paper (That your Army by their Oath of Allegiance, Your Committee of Estates by their Commission, Your Officers by their Military Oath, ought to defend the King from harmes and prejudices; Your often repeating at the Conference, That the King came to your Army for shelter and defence, and therefore you are to preserve him) may indure such an interpretaion, as if you desired the people should believe the King needs Shelter, defence, and preservation from the Kingdom of Scotland, and the Scots Army, against the two Houses of the Parliament of England, And that the Parliament of England is more to be suspected, and lesse confided in, then the Scots Army: But if this be far from your thoughts, as We hope your Lordships will say it is, let it be also from your expressions, from which such Inferences may be drawn. To that you say the entering into the COVENANT, was to wipe off the Calumny and aspersion of Rebellion, it hath no relation to the question in debate; Neither do we finde any ground, how, or why the Parliaments of either Kingdom could have been taxed with Rebellion, though they had never joyned in this Covenant; or if any such aspersions could have been deservedly cast upon them, how the Covenant could have wiped them off.

We have already answered what you here repeat for the Kings voluntary Residence in either Kingdom; and have already told you (with the reasons why) that it is not to the Question, Neither is the King in a condition for the

the exercise of the duty of his place ; But if he were, your Lordships may rest assured, the two Kingdoms will never differ about his residing in the kingdom of Scotland, for his doing the duties of his place there. Your Lordships proceed, That it could not be expected from the Army, under the Command of Sir *Thomas Fairfax*, (if they were in Scotland for your assistance in like Case, as your Army is for ours) to deliver up the Person of the King, neither can it be expected from your Army.

This Argument might have been urged to us, if We had ever made any allegation to that effect ; But We shall say even (Your Lordships own word) the Army under Sir *Thomas Fairfax* in the like case, on the like Resolution of the Parliament of Scotland, ought to deliver the Person of the King in Scotland, to be disposed by the Parliament of Scotland: And now your Lordships receiving satisfaction in this your main argument, We shall not doubt but you will acknowledge our Right, as We do yours, and proceed accordingly.

In your next argument you returne (with an heavy tax upon us) to the Law and Common practise of all Nations, not to deliver the meanest Subject, fled to them, though for the greatest Crimes ; and amplify it, by our refusing the Act of remanding in the fourth of King *James* : And if the meanest be not to be delivered, how will the world abroad condemn your Army for so Base and dishonourable an Act, to deliver up the King: having cast himself into your hands, to be disposed at our Arbitrement. For (of us) your words of another Nation must be taken, Wee claiming the Right of disposing of him in England.

This rightly understood, will give satisfaction to all the world in the justnesse of our desires, and we shall put the substance of the argument in such words, as (in rightly placing the strength of it) none may be deluded.

It is thus: Every Kingdom challengeth the disposall of the Persons within their owne Kingdom, though they be the Subjects of another Kingdome ; And on this ground it is clear, that the Kingdome of Scotland hath not the disposall of the meanest of their own Subjects, in whom they have the sole right, that Subject being in the Kingdom of England, much lesse the disposall of the Person of the King, who is in England, in whom you allow the Kingdom of England to have a joynt Right.

Your Army in England (we follow your Argument on the Law of Nations) cannot be considered in any other condition then our own Army ; And will any Nation say, if the King were in our Army, that it were the least basenesse or dishonour (But their duty) for them to deliver up the Person of the King to be disposed by both Houses of Parliament. The King is not in the Kingdom of Scotland, and your Army is in the Kingdom of Eng-

land; Is it not by your own Argument dishonourable (to say no more) for us not to dispose of the King in *England*; And we are confident your Lordships will rest satisfied, that there was no need of that expression, that the two houses of Parliament should claim or require that, which was *Base or Dishonourable* for you to do. To what you say that the King cast himself upon your Army, and use the like phrases in so many of your Papers; We shall only say, we had rather enjoy our own Rights, then debate upon what *Grounds* the King came to your Army, or if he had none, why he should think himself *more sure* in that Army, then in that of Sir *Thomas Fairfax*, or in that English Army that joyned with yours in the service before *Newark*: Or why Monsieur *Montreuil* a French Agent, to whose Lodging the King first came, was so many weeks at *Southwell*, the head-Quarter of your Army before *Newark*, notwithstanding exceptions were taken by the English Committee, against his [the said Agents] being there.

And now we come to those you call Objections, which being of your Lordships penning, and also the Answers to them, may be the more easily suited to your desires. But the matter in debate being, that the Kingdome of Scotland hath no right of joynt exercise of Interest in disposing the person of the King in the Kingdom of *England*, we shall place this our Assertion before your severall Arguments or Objections against it, and then give Answers to them.

ASSERTION.

We do affirm, that the Kingdom of *Scotland* hath no right of joynt exercise of Interest in disposing the person of the King in the Kingdom of *England*.

I. Objection or Argument of the Scots Commissioners.

THAT it is sufficiently known, That the Scottish Army came not into this Kingdom in the nature of Auxiliaries, for when it was desired by the Parliament of *England*, that the Kingdome of *Scotland* should send an Auxiliary Army into this Kingdom, to be subject to the directions and Resolutions of both Houses, it was absolutely refused, as may appear by the severall Papers about that purpose yet extant; The Kingdome of *Scotland* did foresee, and consider how prejudiciall it was to forsake their own peace, and what infinite troubles, losses, and unavoydable danger, their engagement with the Parliament of *England*, against so powerful and prevailing an Enemy would bring upon the Kingdom of *Scotland*; & as they regarded not the large offers, nor the Threats of the other side for all their prosperitie, so there was no offer of pay, or other worldly advantage whatsoever from the Houses of Parliament, which could have induced them to undertake so hazardous and desperate a Warre.

warre. It was the good of Religion, King, and Kingdomes they set before their eyes; In order to which end they accounted nothing too deare unto them, and having resolved to ingage in this cause, for assistance of their Brethren therein, they did not stand upon conditions, but without respect to the season of the yeare, The great strength of the enemy and other discouragements, they did in a short time levy an Army at their own charge, and because of the many Burthens then lying upon this Kingdom, were content for the present, to accept of a summe towards the monethly entertainment of that Army, amounting to little more then half pay, and so supercede all demands for further recompence till the wars shall be at an end. And seeing the Kingdom of *Scotland* was to quit their owne peace, and equally with *England*, to undertake the Hazard of the Warre, it was found reasonable, that the prosecution thereof and the making of the Conditions of Peace after the Warre, should be with joynt advice and consent of both Kingdoms; & according to these grounds, a Covenant was agreed upon for the Reformation of Religion, and for preservation of the Liberties of the Kingdoms, and of the Kings Person and Authority, together with a Treaty, wherein it is declared, that the Scottish Army shall be commanded by a Generall appointed by the Estates of Scotland, and shall be subject to such Resolutions, and Directions as are and shall bee mutually agreed upon, and concluded between the Kingdomes, or their Committees in that behalfe appointed for pursuance of the ends of the Covenant, of which one is to defend and preserve his Majesties Person.

Answer to the first Objection of the Scots Commissioners.

WERE the things in this Objection so as they are set downe, yet it would not follow that therefore the Scottish Army ought not to deliver up the King to be disposed by both Houses, without the joynt advice and consent of the Kingdom of Scotland. And here we might leave all that is contained in this Objection; But for that many things in it, when rightly recited (now at least exceedingly mistaken) are proofes for our Assertion; And because from the matter of fact, mis-recited, there are many reflections upon us of ingratitude; Wee shall make a true state of this businesse from the truth of the matter of fact.

* By the fourth Article of the Treaty, *the charge of Levying, Arming, and bringing your Forces together, furnished with a Train of Artillery, was to be Computed according to the Rates, as if the Kingdom of Scotland were to raise them for themselves, and for the present to be done by the Kingdom of Scotland upon accompt to be repayed, or satisfied, when the peace of the two Kingdomes is settled,* yet who shall read the words in your Paper (*viz.*) that you did in a short time levy an Army at your

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owne charge would little have expected, that that which you call your owne charge, was to be repayed,

The fifth Article that this Army be payed as if the Kingdom of Scotland were to employ the same on their owne occasions, and towards the defraying thereof, it not amounting to a full moneths pay (these are the words) not as now in your paper, [little more then halfe a moneths Pay] Bee monethly payed thirty thousand pounds sterling by the Parliament of England, and if the State of Scotland shall have just cause to demand further satisfaction, when the peace of both Kingdoms is settled (for what?) for the paines, hazard, and charges they have undergone in the same, they shall by way of Brotherly assistance have due recompence made unto them by the Parliament of England.

And when we finally agreed upon a summe in grosse the residue of the whole moneths pay proportioned according to your own rates, was given in, and claimed by your estimate, and together with all other demands for raising, and maintaining your forces, and for your paines, hazard, and charges satisfied by us, in the Grosse summe of foure hundred thousand pounds agreed to bee payed unto you in lieu of all demands whatsoever. Can wee now in reason conceive, that such an Army in the Kingdom of England so to be raised, and payed wholly by the Kingdom of England, should claime any right to detain the Person of the King in their hands from his being disposed in England by the two Houses of Parliament. If we had forseene as much as your Lordships say you did, there would have been no such debate as now is.

It is mozt true that by our Declaration of the 8. day of November 1642. and 27. of June 1643. when we invited your comming in, and when on the 19. day of July 1643. Our Committees went to Treate with you, to come to our assistance (whose arrivall at Edinburgh was the 7. of August,) Our Enemies were powerfull and prevailing. It is also as true that all might have been lost, had not the good providence of Almighty God, mercifully and seasonably interposed in our greatest straights, and mightily changed the State of our affaires betweene the time of our invitation of you, and your comming in; betweene which time ninety three Colours of Horse of the Earle of Newcastle his Army; were utterly defeated in Lincolne-shire, his old Army broken before Hull, the Kings Army (where himself was in person) waited at the Seidge of Gloucester, That Seige raised, the City relieved, and that Army broken at the Battaille of Newbury, with some other happy successes at Alton, Arundall, and other places; all which was to the great weakning of the enemy and strengthening of our party.

And whereas you will seeme to intimate that for the good of Religion, King, and Kingdom, you did voluntarily forsake your owne peace, though you had considered how prejudiciall it would be, and what infinite losse, trouble and danger, your ingagement with the Parliament of England would bring

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bring to the Parliament of Scotland; Yet we desire you again seriously to consider whether Scotland could have continued in peace, if the King had here prevailed against us; had not you more hazarded your peace by sitting still, & letting a powerfull and prevailing enemy invade Scotland? hath not last years experience shewed you, what a party he might have found there? had it not been a greater charge to defend your selves upon your owne account then by assisting this Kingdom to prevent your own ruine at our charge? We cannot beleieve you can think you were out of danger, though it was then your lot to be the furthest from it of the two Kingdoms.

We did never imagine, that the Treaty (no way disadvantageous to you) should be look't upon, as it seems it is by these words, *We stood not upon conditions*, as if we ought to give you much better conditions; certainly if we, without any other relation, look onely into the nature of the conditions, Auxiliaries might be had (and are daily had in other parts, and of your Nation) on the same or lower conditions. We should most gladly have omitted these things, but that they are mis-recited in your paper, and so often prest upon us; and we hope we shall both take notice of mutuall obligations to make our brotherly union more firm. We shall before the world at all times manifest, that we shall go along with them that set the highest value in your assistance; but we desire your Lordships would not by insisting upon your own defects upon mistaken grounds lay reflexions of ingratitude upon us, of which you know We are not Guilty; We have before so fully answered your arguments from the Covenant and Treaty and shewed that they directly make good our resolutions; as we shall say nothing in this place to them, but observe, that in this agument you mention the defence of the King twice from the Covenant, yet in both places leave out the words, *in the preservation and defence of the true Religion and Liberties of the Kingdoms*.

ASSERTION.

We do affirme that the Kingdome of Scotland hath no right of joynt exercise of interest in disposing the Person of the King in the Kingdom of England.

II. Object or Argument of the Scots Commissioners.

That although his Majestie riding one dayes journey might wholly subvert the grounds of this Objection; Yet we shall not insist upon this Answer, because we conceive it toucheth not the true state of the Question; It hath been already cleared what is not, and what is the state of the Question, which being remembred, we do assert, That the King coming voluntarily to the Scots Army, they cannot in duty deliver him against his will, to the Houses of Parliament, without consent of the Kingdom of Scotland; For the

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being in *England*, takes not away the relation between the King and his Subjects of the Kingdome of *Scotland*; nor ought it to impede the performance of the mutuall duties founded upon that Relation; for Allegiance hath no limitation of place, being grounded upon the Law of Nature, as well as the Law municipall, and so is rather universall then locall; the difference of place takes not away the Relation and mutuall duties between Parents and Children, and it is not the place, but the Relation which gives interest to the disposing of the person of the King. As his being in *England* takes not away the Relation between him and his Subjects of *Scotland*, so it doth not infringe the mutuall obligations and solemn engagements between the Kingdoms for joynt-Counsell, in prosecution of the Warre, and settling of peace; The Kings comming to the Scottish Army, being an emergency of our joynt warre, and the right disposall of his person, the onely means (for the present) of our joynt security and peace; neither can the Kings being in *England* prejudice any right or priviledge of either Kingdom, it is the fundamentall right, and priviledge of the Parliament of *Scotland*, and the Liberty of that Kingdome (as we acknowledge it to be the right and priviledge of the Kingdome of *England*) that the person of their King ought not to be disposed of, but with their advice and consent, the place of the Kings residence (as was answered to us, when in the late Treaty it was desired his Majestie might sometime reside in *Scotland*) is at his own Election in either of the Kingdoms as Exigence of Affairs shall require, and he shall think fit, or else must be determined by the mutuall advice and consent of both Kingdoms.

From which grounds it is apparant, that the same Kingdome where he resides for the time, may do no act which may hinder his Majestie to performe the Office and duty of a King to the Kingdome from which he is absent in Person, nor impede him to repaire to that Kingdome, when the affairs thereof shall necessarily require it, otherwise if the Kingdome where his Majestie resides hath the sole Interest and right to dispose of his person, the Estate of the Parliament of *Scotland* might upon former occasions, and may now in case the King and Prince shall repaire to *Scotland*, lawfully detain them there, and make it the place of the ordinary residence of them and their posterity, without the consent of the Kingdom of *England*, which we acknowledge could not be done without a manifest prejudice and injury to this Kingdom. Wherefore we cannot but conclude, that wheresoever the King be in *Scotland* or *England*, he being the King of both, ought to be disposed of for the good, and with the consent of both Kingdoms; and if it be considered, That the Scottish Army was invited and called into this Kingdome by both Houses in a Treaty, for prosecuting the ends of a solemn League and Covenant, where-

of one is to preserve and defend his Majesties person, there can remaine no doubt concerning the exercise of that right and interest in this Kingdome, and therefore it seems very strange, that when upon invitation they are come into *England*, as for other ends, so to defend his Majesties person, their being in *England* should be made use of as an Argument why they should deliver up the Person of their King to be disposed of as both Houses shall thinke fit. Whereas it is alleadged, that the Treaty extends no farther then to the Ordering and regulating of the Scottish Forces in relation to the Warre, although this be really answered from the nature of the thing. The Kings coming to the Scots Army being an emergency of the Warre, and so the delivering of Person comes under the Regulation and direction of both Kingdoms, or their Committees, as an Act of the Scottish Army: Yet that all doubt may be removed, we farther adde, That it is clear from the third Article of the Treaty, that the Scottish Army is to receive the directions of both Kingdoms, or of their Committees in all things which may concern the pursuance of the ends of the Covenant and Treaty, whether in Relation to Peace or Warre. In the eighth Article of the Treaty no Cessation, Pascification or agreement for Peace whatsoever is to be made by either Kingdome, or the Army of either Kingdom, without the advice and consent of both Kingdoms.

And in the ninth Article all differences arising between the Subjects of the two Nations are to be resolved, and determined by the mutuall advice and consent of both Kingdoms.

Answer to the second Objection or Argument.

Herein is repeated what you have said before, some things are new, as that it begins with (*viz.*) *although his Majesty riding one dayes journey might wholly subvert the grounds of this objection, yet, &c.* But we shall never suppose the King being in *England*, our Brethren of *Scotland* will take him out of this Kingdom, neither will suppose what differences between the two Kingdomes one dayes journey might make: Its one thing if the King had come duly unto you into *Scotland*, and clear another his comming to your Army in the Kingdom of *England*: You here repeat the Kings voluntary comming to your Army, and we say we desire not to debate on what *Grounds* he came, We never said his being in *England* took away your relation to him, but that you have no right of disposing of his person in this Kingdome; and by a former argument of your own from the Common Law and practice of all Nations, his being in *England* gives us a Right if we had it not otherwise; And we desire your Lordships to consider, that by your Argument of the relation between the King and his Subjects, when you also assert the right of Mutuall

performance and exercise of them, as well without as within each Kingdome respectively, in England, as Scotland, or in Scotland, as England, you confound the particular Rights of the two Kingdoms, which would be a great violation of the Covenant; and if you may argue for your joynt consent, because the Kings coming to you was an emergency of warre, You may by the same reason claim a joynt Interest in the disposing the Northern Counties, and say they fell into your hands as an *Emergency of Warre*.

If in your allegation of the fundamentall Right of the Kingdom of Scotland and the Liberty of that Kingdome you mean in Scotland, We did never dispute against it; But if you mean in England, Then if we had taken the King before our Conjunction by the Covenant and Treaty, our disposing of him without your consent had beene against the fundamentall Rights of the Parliament of Scotland, which we are confident you will not say.

And your Lordships having agreed at the Conference, that the Kingdome of Scotland hath no right of exercise of Interest in the Kingdome of England but by the Covenant and Treaty, and the two Houses of Parliament did not enter into that Conjunction with our Brethren of Scotland to put the particular Rights of the Kingdom of England into a worse, but into a better condition by that Conjunction; And the Covenant and Treaty do provide accordingly, and that we have not parted with this right by the Covenant and Treaty, We have formerly shewed.

You cannot apply the large Treaty, concerning the Kings voluntary residency, to this question, whilst the King is not in a condition of exercising the duties of his place, or disposing of his person into any of his Kingdoms, at his own election as in times of settled peace; And if the King had beene in Scotland in such a case as ours is, we should not have said more to your detaining of him, then we desire you should now say to us, And whereas your Lordships say, *It seems strange that you being come in upon invitation, as for other ends, so to defend his Majesties person, you now being in England, should be made use of for delivery of the King to be disposed by us*; We understand not why the disposing of the person of the King in England by both Houses of Parliament, & the defence of his person according to the Covenant, may not well consist together, We demand to dispose of the King, because the King is in England, and you of all other who come to defend our Rights, should not violate them, and it would be much more strange, if any should think that when we invited you, that by your assistance we might preserve our interests, that we should invite you to dispose of our Interests.

You Argue from the third Article, the words whereof are, *That the Army be commanded*

be commanded by a Generall appointed by the States of Scotland, and subject to such resolutions and directions as are and shall be agreed and concluded unanimously between the two Kingdoms, or by Committees appointed by them in that behalf for pursuance of the ends above mentioned, which are the ends expressed in the Covenant; We shall speake more of them in our Answer to your next Objection.

You apply (but improperly) this third Article for your Joynt right of disposing with us the Person of the King in the Kingdom of England. And why? because to defend and preserve his Person is one of the ends in the Covenant, you may as well say you have right of Joynt disposing all our Lawes and Liberties, for to defend and preserve them, is one (and a maine one) of the ends in the Covenant.

Your Arguments from the ninth Article are before answered, and here you againe alleadge the Covenant, and here againe as in the former Objection or Argument, when you mention that you are to preserve the Person of the King, you leave out the subsequent words [in preservation and defence of the true Religion, and Liberties of the Kingdome.]

ASSERTION

We doe affirme, That the Kingdome of Scotland hath no right of Joynt Exercise of interest in disposing the Person of the King in the Kingdome of England.

III. Objection or Argument of the Scots Commissioners.

NO sooner did the King come to the Scottish Army, but the very same day, the Committee of Estates of Scotland residing with that Army did acquaint the Commissioners of both Houses therewith, and not satisfying themselves with this, the day following they writ a Letter to the Committee of Scotland residing at Edendborough, and another to the Committee of both Kingdomes here, (which was Communicated to both Houses) desiring the advice of this Kingdome, as in a matter of common Interest, and declaring they would obey the Joynt Resolutions of both Kingdomes, yet no answer or advice was returned unto them, either from the Houses or their Commissioners, but immediately after the surrender of Newmarke, they received information that five thousand Horse and Dragoones from Sir Thomas Fairfax Army, were upon their march towards them Northward (which the Honourable House of Peers was pleased to give order to stop) there being no Enemy in those parts to be opposed: upon consideration whereof, the Quarters wherein they had stayed during the siege of Newmarke, being extreamply exhausted, and the service for which they came thither being performed, for preventing of mistakes or new troubles between the Kingdoms, they removed into Yorkshire: And the King as he came unto them of his owne accord, did

Voluntarily march along with them, upon severall occasions afterwards they and we did earnestly desire the Honorable Houses to send a Committee to joyne and cooperate with the Committee of Estates there upon the place, in all things according to the Treaty; but no answer was returned, and from time to time, the Houses acquainted with the proceedings in that Army, which were according to the Covenant, and the knowne resolutions of both Kingdoms to debarre all such of either or both Kingdoms as had bin in Armes against the Parliament from coming into their Quarters, or to the Court, or to the Kings Person, according to the desires of the House of Peers; And whereas it is affirmed, that by the Treaty, the Scottish Army ought to doe nothing without a joynt resolution of both Kingdomes, or their Committees, there is no such Clause in the Treaty, but they are to be subject to such resolutions as are and shall be agreed upon and concluded mutually between the Kingdomes, or their Committees, as by Ordinance of Parliament the Army under the command of the Earle of Essex, or of Sir Thomas Fairfax was to receive and observe the directions of the Committee of both Kingdomes sitting at Westminster; but in case no new directions were sent unto them, they were left to former Orders, if any were, or otherwise to their own judgment and discretion. There was never any such resolution agreed upon between the Kingdoms or their Committees, as that the Scottish Armie should not receive the King, if hee came unto them: But 'tis an agreement between the Kingdomes (in the Covenant) that they should preserve and defend his Majesties Person; And (in the Declarations of both Kingdoms) to rescue him from the common Enemy: So that the Scottish Armie having often desired to know the direction and advise of the Houses of Parliament concerning the King, and no new directions being signified unto them, according to the Treaty they were to observe the directions and resolutions formerly agreed upon between the Kingdoms. And as the Scots Army doe and will ever acknowledge, That they claime no power to dispose of the Kings Person, but are subject to, and shall be ready to follow whatsoever both Kingdoms shall agree upon as best for the King and Kingdoms; so their keeping and preserving his Majesties Person (as they would do to any person of his eminency and relation, in an Army or Garrison Towne) without the least thought of hindring his voluntary return to his Parliament, cannot be reputed, or called a disposing of his Person.

The third Answer.

THe truth is thus; on Tuesday the fifth of May last, our Committees before Newark had notice the King was come to Southwell; the head Quarter of your Army there, before they heard any thing from your Committees of it, who sent two of their Number to give our Committees notice of

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the King coming to Southwell; which two did promise to deliver to the rest of their Number the desires of our Committees, That the King might not remove from Southwell. And afterwards our Committees hearing the same day the King came to your Army; that your Army was preparing to march, told your Committees of it, and of their former desire, That the King might remaine at Southwell: your Committees denied there was any intention in your Army to march. And to the desire of the Kings not removing from Southwell, they said, he was gone to Kelham before they heard from our Committees. Whereupon our Committees earnestly pressed them the King might return back to Southwell, and not to be at Kelham, where the body of your Army lay, to Caiole, or disturbe your souldiers; but could not obtaine the content of: your Committee thereunto. The next day our Committees hearing that your Army had disposed of their Provisions, and sent for many Carriages, did again complain to your Committees, who again also absolutely danyed it, and said nothing should be done without our Committees having notice: Nevertheless, the next day being Thursday, your Army marched away, and took the King with them; and when your Army were on their march, and not before, some of your Committees acquainted ours with it. Now it is most evident, that by the Treaty our Committees being equally to command and direct your Army as your owne; and your Army obliged by the Treaty equally to obey them as a joynt Committee; if you have any right because the King came to your Army, the King came to our Committees as to yours, and they had in that respect equall power to dispose of him. But what was done is before expressed.

You say you did write to the Houses, and your Paper intimates one reason of your going was, because you heard not from the Houses: You wrote on Wednesday, and march'd away the next morning: Could you expect a return from the two Houses in that time, the distance being too miles? You alledge your march was after the surrender of Newark, when as it was only after the Commissioners for the Treaty had agreed, but before the Agreement was signed by the Committees and Governour of Newark, and the Towne was not surrendred till the next day, which was done on some emergency a day sooner then was agreed on by that Treaty.

And shall we think that your Army should march away on the rumour of 5000 Horse and Dragoons of Sir Thomas Fairfax his Army marching Northward? But how-ever, there was no such thing, nor did any such Order of the House of Peers, as your Lordships mention, ever come to the Army of Sir Thomas Fairfax; neither did the Generall, Lievttenant-Generall, nor any other Officer that ever they heard of, know of any such Order; till your Lordships mentioned it in your Paper of the 20. of October last, And if they had

had marched, they are under the command of the Parliament, and have shewed themselves faithfull and serviceable, and God hath exceedingly blessed their service to the good of both Kingdomes.

This being the true state of that businessse, Our Committee of both Houses being upon the place at the siege of Newark, and not so much as advised with by your Committees, what was fit to be done with the person of the King (the disposing of whose Person with your joynt consent you now make a matter of so high concernment) but your Army contrary to engagement not to remove without the knowledge of our Committee, removing and taking the King with them without any notice given to our Committee before their march, though nothing but a river parted the two Armies, with which our Committees did then reside. Your Lordships will now think our Committees had reason to desire to return; and there was little encouragement for any other Committee to go down to your army, especially considering that you took Carlile from the English forces there, against the consent of the Committee then upon the Place. And that when your Army was at Bramham-Moor, a little before the King took Leicester, (the King then being very strong, and our affairs in a hazardous condition) they were earnestly Pressed by our Committee, then a joynt-Committee with them, according to the Treaty to march Southwards; but contrary to their desires, and against their consent, your Army marched away Northwards.

It is true, that you sent out Orders to debarre all such of both of either Kingdoms as had been in Arms against the Parliament; from coming into your Quarters, or to the Court, or to the Person of the King: And tis as true, that they did come notwithstanding that Order, and yet no man punished for breach of those Orders, that ever we heard of.

Your Lordships say, there is no such clause in the Treaty as that the Scottish Army should do nothing without a joynt resolution of both Kingdoms, or their Committees; and thence inferre, you having no joynt resolution to the contrary, you might march away. But it is most evident from your Argument (for your example, the Army under the Earl of Essex or Sir Thomas Fairfax is not at all applicable to your inference) that tis wholly in your power whether the Kingdom of England shall ever joyn in directing of your Army or not. You had no Committee for 5 weeks before Newark, and all that time our Committee could not order your Army for want of yours to joyn with them; when yours did come, they having a negative voice, did not agree to our Committees desires for the Kings stay at Southwell, or acquaint them with your Armies going away, but denied it to them. So as that main thing in the Treaty to joyn in ordering your Army, is both by your practice and assertion in your Paper rendered useless.

And

And in this Argument also is the Covenant recited for the defence of the Person of the King, and the words, *In the preservation of Religion, and the Liberties of the Kingdoms* (a main clause without which the other part ought never to be mentioned) are left out. Certainly, my Lords, we should never have argued thus from the Covenant and Treaty. And here you say again (as formerly) Your Army claims no right to dispose of the King: but we say that *de fact* they do dispose of him, and must by your Argument ever do so, unless we agree to the joynt consent of the Kingdom of Scotland for disposing of the King in England; and that from such grounds as, if admitted, would interest the Kingdom of Scotland in the government of the Kingdoms of England and Ireland, else you will not consent; and unless you consent, you say your Army ought not to part with him: so as he is to be disposed by you in England without our consent, but not by us in this Kingdom without your consent; which sure cannot be found in the Covenant.

In the next place is that which you call a fourth objection: We shall place our Assertion, and recite what you call your Answer in your own words.

ASSERTION.

We do affirm, That the Kingdom of Scotland hath no right of joynt exercise of interest in disposing the Person of the King in the Kingdom of England.

The fourth Objection or Argument of the Scots Commissioners.

THERE is a wide and manifest difference betwixt the relation the Scottish Army hath to any Subject of England and the relation they have to their King, which are sufficiently distinguished in the third and fourth Articles of the Covenant: For by the one they are mutually obliged to preserve and defend his Majesties Person; and by the other they are obliged to endeavour that all Incendiaries and Dividers between the King and his people, or betwixt the kingdoms, be brought to tryall and condigne punishment before the supreme Iudicatures of the kingdoms respectively: and the kingdom of Scotland hath equall right and interest with the kingdom of England in the disposal of the Person of the King, which they cannot pretend unto concerning the Person of any Subject of England.

The fourth Answer.

THIS contradicts what you have formerly said, That one coming to another Nation ought not to be remanded, though for the greatest crime.

And let your Lordships consider, that your Army in England is not the Kingdom of Scotland: And here also you recite the Covenant, as to the

defence of his Majesties person: but omit the subsequent words, *in the preservation of the true Religion, and Liberties of the Kingdoms*. And as all persons in both Kingdoms who have taken the Covenant, have bound themselves before Almighty God, to defend the Kings Person in the defence of the true Religion and Liberties of the Kingdoms; so are they to do it onely in their severall Vocations, without intrenching upon each others Rights and Priviledges: for which reason also Incendaries were reserved to the tryall of the supreme Judicatories of the Kingdoms Respectively, that their severall jurisdictions might not be prejudged or confounded.

That which you call your fifth Answer, we shall also set down.

ASSERTION.

We do affirm, that the Kingdom of Scotland hath no right of joynt exercise of interest, in disposing of the Person of the King in the Kingdom of England.

The fifth Objection or Argument of the Scots Commissioners

IT hath been sufficiently answered before, that the Scottish Army neither hath, nor will take upon them to dispose of the King: he came unto them without Capitulation or Treaty, His residence with them is voluntary and free, and they doe nothing which may hinder Him to come to His Houses of Parliament; but if the Kingdom of Scotland should consent to the desire of the Houses, that they may have the sole disposall of the Person of the King, it being that which comes in the place of the Peace and Security of both Kingdoms, they would really quit the right and interest they have by the eighth article of the Treaty concerning the making of a Peace. For which soever of the Kingdoms is acknowledged to have the sole disposall of the King, may without the other make Peace with him when, how, and in what terms they please.

The fifth Answer.

ITs most true, it hath often been set downe in your Papers, That your Army neither doth nor will take upon them to dispose of the King: yet wee know that *de facto* they do dispose of him. You say, He came without capitulation or Treaty: we again desire you wil not put us upon that debate. You alledge, that his residence is voluntary and free: yet you sent us word that you had set a strong guard upon him: and you cannot say, That the Covenant, Treaty, or fundamentall right of the Scottish Nation are, that hee should be in voluntary freedom with Us, but in restraint with You.

You argue, That the sole disposall of the King comes in place of Peace: which is not so, unlessse you will grant that you have now made Peace: for you

you have the sole disposall. But all this is before more at large.

ASSERTION.

We do affirm, That the Kingdome of Scotland hath no right of joynt exercise of interest in disposing of the Person of the King in the Kingdom of England.

The sixth Objection or Argument of the Scots Commissioners.

WEe will not dispute what power the Houses of Parliament formerly had to dispose of the Person of their King; but whatsoever power or right they have, the like is due to the Parliament of Scotland; and so the Person of the King being Common to both, and indivisible, cannot be disposed of but by consent of both Kingdoms. It were another question indeed, if it were as in former times, if wee had different Kings, if there were not an Union of the Kingdoms under one Head and Monarch, if there were neither Covenant nor Treaty between the Kingdoms. But since all these are, and that the Peace and security of both Kingdoms is so much concerned in the disposall of the King, not any one of them without the other can justly pretend to the sole Judgement and right to determine what is best and most expedient for the safety and security of both; nor can it in reason be made an Argument that the one Kingdom distrusts the other, because the one will not renounce and resigne all right and interest they have in the Person of the King, and matter of their owne security and peace to the judgement and determination of the other: Otherwise, according to this Argument, where there is any trust, there should be no contract between person and person, nor Treaty between Nations: Or if there be any Treaty or Argument, the performance or not performance of it is to be left to arbitrement. But we cannot see that this doth Argue any diffidence or distrust, more then when private persons lending money to the Publique, desire security, and will not depend upon pleasure: And therefore though it is not to be questioned but the Houses of Parliament would dispose of the Person of the King so as might consist with their duty in performing the Covenant and Treaty; yet this can be no Argument why the Scottish Army should neglect their duty, or the Kingdome of Scotland quit the interest and right they have in the Person of the King.

The sixth Answer.

WEe have never alledged that the Parliament of Scotland hath not the like exercise of interest in Scotland as we desire to have in England, and yet this is often objected against us. But we do averre the right of exercise of interest is distinct to each Nation: And from your own Argument,

if we do not denie this right to Scotland, why should you deny it to England? The Union of the Kingdoms under one Head doth no more confound the exercise of particular rights, then if under severall Heads. We never desired you to renounce any right of the Kingdom of Scotland; let us have the same measure.

By your Argument it must follow, That by Englands having the King of Scotland, the Kingdom of Scotland should be King of England: For although the Person of the King be not divisible, yet his relations are divisible both in their nature and their exercise: The King of England and the King of Scotland are one man, but they are not one thing. And though those relations are not divisible from his Person, yet is the exercise of them divisible from his Person, as his Person is divisible from either or both of the Kingdoms, and as the Kingdomes are divisible from each other in place and in power, in Right and in interest, within their severall Precincts: And the exact preservation of this distinction is the best meanes to prevent a worse division.

And if, as you say, your desiring not to part with your right doth not argue any diffidence in Us, now that it is shewed you of no right, why will you be diffident of Us, to hinder the exercise of our particular Rights?

That which you call your last Objection was an Answer to your Reply.

ASSERTION,

We doe affirm, That the Kingdome of Scotland hath no right of joynt exercise of interest in disposing the Person of the king in the Kingdom of England

The seventh Objection or Argument of the Scots Commissioners,

IF this Argument were turned over, the strength or weaknesse of it may the more easily appear. Suppose the King were here at Westminster, it may be upon the same grounds urged, That the Kingdome of Scotland would have no consent in his disposall; and so much the more, that the Houses claim the sole interest and judgement to dispose upon the Kings Person, which wee desire may be done joyntly, as may be best for the security and safety of both Kingdoms. And wee see no reason why it may not now be determined when hee is in the Scottish Army, (who were intrusted by both, and subject to the resolution of both Kingdoms) as well as hereafter, since he came thither of his owne Accord, and his residence there is voluntary; and if his Majestie shall think fit to repair hither to his Houses of Parliament, they shall doe no act which may either hinder or dissuade him; but cannot constrain him, or deliver him to the Houses, to be disposed of as they shall think fit.

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The seventh Answer.

YOU object, your Army cannot part with the King without the consent of the kingdome of Scotland; The kingdom of Scotland cannot consent, unlesse they may joyn in the disposal of his Person; they will not joyn till it be agreed that he be disposed for the good of both Kingdoms: And can any thing then be more plaine, then that the King is then to remaine where hee is (as we have said before) untill you will be satisfied? And being where he is, we know, and so doe you, that hee is disposed of against Our Consent. And if this Argument were turn'd over, it would remain good: For wee doe say, The kingdom of Scotland had not right of joyn inrerett in disposing of the Person of the King if hee were at Westminster; neither should wee claime any, if he were duely at Edenbrough. And if this be a good Argument, it will follow, That you should have some of your Nation to reside continually with us, to advise and consent to what Places the King shall goe upon every occasion of his remove, and upon every accident that may happen; considering the temper and condition of these times may call for suddain and different resolutions, and such as they are onely capable to judge of, and to apply remedies unto who are upon the place.

(Wee doubt not your Lordships are satisfied that the comming of the King to your Armie was with a designe on his part against the good of both kingdoms; which, with his denying the Propositions being among you, are not arguments that he ought to be left to his owne will and pleasure.

Upon the whole tract in your Papers wee shall from brotherly affection let you know, (to prevent the like for the future) That your Papers seeme to be prepared, printed, and published to captivate the hearers and readers, to trouble their fancies, and hinder the right understanding of the Question; that they may be lead by an implicate believe; and seem to hold forth, That you will so manpage your affairs, as that if any difference should happen which God forbid, and we shall alwayes endeavor to prevent; though it arise else-where) it may be laid on the Houses of Parliament: Your Papers thorowout intervolving things of severall natures, mis-reciting so many matters of fact, holding forth examples and similies, which if urged by Us, were unreasonable; as if they were applicable to the present debate, which yet they are not, that many readers and hearers, though they know not how to apply them to the Question between us, yet may think they are to it, because the Scotch Commissioners would not else have inserted them.

Having thus cleered the right of the Parliament of England, in disposing the Person of the King in the Kingdom of England, Wee come now to the

Propositions. But before we fall into the particulars of them, Weeshall give a short Answer to your Letter of the 24. of October last. You expresse therein, That the Scots Army having had no pay for six moneths, have been forced to take free-quarter: which wee wonder to see, when your Army taketh 19700.l. monthly in money, besides much free quarter. And Wee sent your Lordships an account of this, which wee received out of the North; besides which they have had for one year ending the last of October last, seventy two thousand nine hundred seventy two pounds two shillings and eleven pence for the Custome and other impositions upon Coals only.

Your Letter seems very compassionately to consider the misery of the Northern parts; but the wayes you propose of remedy extend the benefit of your Compassion especially to the Scots Army; the which Armies removing into fresh Quarters in England, were to make them feel as much misery as those it would leave. We shall provide what mony we can to enable the Scots Army to march into Scotland: but you know wee are not engaged to you for two hundred thousand pounds in present, as your Letter implies. But this is before more at large.

But whilst you would not have the King to goe into Scotland (for you say that is prejudicial to both Kingdoms) neither would you have him to goe into Ireland, or beyond sea, (because you say that would not be a way to present peace, but certainly prognosticate new trouble;) and whilst you will not let the Parliament dispose of his Person in England according to their right; and the Parliament cannot admit of a joynt right in you of disposing his Person here (for that were to admit a Joynt Right in you in all the Libertties of this kingdome,) how shall any be satisfied that this Question concerning the disposing of the Person of the King, shall not retard the marching of the Scots Army out of this Kingdom? Will they not inquire what will the Scots doe with the Person of the King, when their Army marcheth out of the kingdome? To which wee hope it will be answered, Our Brethren of Scotland are satisfied the Parliament of England will, according to their right, dispose of the Person of the King in the Kingdome of England: And your Lordships may rest assured the Person of the King will be disposed by the Parliament of England, as may best conduce to the good, Union, and happinesse of the two Kingdoms.

The Proposition you make for the King to come to us with honour, freedome and safety; or that Commissioners may once again be sent in the name of both Kingdomes, with power to hear his desires, and to endeavour the satisfaction of doubts and scruples, is the same
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in substance made by himself in His Answer to the Propositions sent Him by both Kingdoms; but that you also propose that some may be sent to the King, and he desires to come hither; and your Lordships will not think they are more reasonable when made by you for the King, then when made by the King for himselfe.

And whereas your Lordships finde a difference in the times when both Kingdomes sent to the King, in answer to his Letters of the twentie sixt and twenty ninth of *December* last, desiring to come hither, for that he had then both Garrisons and field Forces unreduced, We desire your Lordships to remember, that although those passages of his having Garrisons and Forces be in the Letter, yet the main matter insisted upon, was in these words,

Wee conceive, that untill Satisfaction and Securitie be first given to both Your Kingdoms, Your Majesties comming hither cannot be convenient, nor by us assented unto.

And which doth further appear in another Letter sent from the Parliament and your Lordships in *March* last, in answer to a Letter of the Kings of the 23. of the same *March*, wherein the same words of *Satisfaction and Security* are again expressly repeated; And there hath not beene any act done by the King since that time that hath in the least given Satisfaction and Security to *This* Kingdome? But however, your Lordships well know, That the King at the sending of the said last Letter had no Forces in the Field, nor Garrisons unblocked up; and he hath as many Forces now, when you make these desires for him, as he had when to your unspeakable grief (as you say in your Papers) He in His denyall to grant the Propositions sent Him from both Kingdoms made then the same Desires for Himself.

Your Lordships recite our Answer to his Majesties Message of the eleventh of *September* one thousand sixe hundred forty two, to which wee shall need say no more; there is a large Difference between what is to be done to prevent a War which the Common Enemy did begin, by keeping the King from us, and what is to be done after such a War to secure a peace.

To secure which, and to preserve Brotherly Union between the two Kingdoms, which we most earnestly and from our hearts desire, we should

should use all means conducing thereunto, and endeavour to prevent all wayes of Separation, and if we be in any, to halten out of them, the true end of our Covenant and this Warre being, that neither of us may be under any Oppressions. Let us both act for the common Good of both, and each enjoy our particular Rights; such Union is strong and will be lasting: but where one gaineth upon the particular Rights of the other, and then argueth that he must keep it, and the other bear it; To avoid dis-union, such Arguments are not to be often used, and such attempts are to be forborn, lest they make a breach in Brotherly Union, which God forbid.

And we are confident the Right of the Kingdom of England will be acknowledged, and we possessed of it; and we shall make it appear how little cause there is for those groundlesse insinuations in Speeches and Papers, as if the Parliament of England were averse from their Ancient and Fundamentall Government, by KING, Lords and Commons, which we had thought the Declaration of the House of Commons of the seventeenth of April one thousand six hundred forty six, sufficiently cleared to the whole world, or that they were not as really forward as any, for the procuring of a safe and well-grounded peace, which is the greatest and chiefest of our desires; and it will be manifest to the judgements and Conscience of all, that as we really endeavoured the good of the King and both Kingdoms, so shall we constantly and faithfully persevere in those endeavours; Not doubting but upon our sincere performing our Covenant and Treaties, the blessing of God will so accompany us, as there will bee a most sweet and Brotherly agreement between the Nations, and such a conclusion as will be pleasing to God, and wherein both Kingdoms shall finde greatest comfort and happinesse.

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